

ENTERED

February 28, 2018

David J. Bradley, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

UNITED STATES OF AMERICA

v.

GIOVANI ALEXANDER ALECIO *in custody*

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CRIMINAL ACTION H-17-651-2

Order

Pending before this court is defendant's motion to set conditions of release. Dkt. 264. After considering defendant's motion, the Government's response in opposition, the Order of Detention pending Trial entered by Magistrate Judge Mary Milloy (Dkt. 194) and all applicable law, defendant's motion is DENIED.

After conducting a *de novo* review, the court agrees with the Magistrate Judge's conclusion that while the presumption of defendant's risk of flight has been rebutted, the presumption of danger to the community has not been rebutted.

The defendant's extensive criminal history, his gang affiliation, his propensity for violence towards others, drug trafficking, sale of four firearms (three of which were stolen) and his aiding and abetting of sex trafficking by acting as an enforcer for William Lopez all cause the court great concern and do not rebut, but reinforce the presumption that the defendant would be a danger to the community if released on bail.

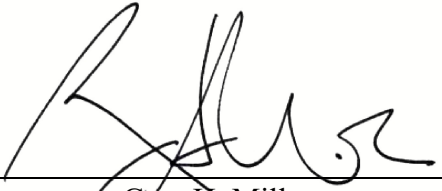
The court also agrees with the Government that the proffer that the defendant's mother, step-father, aunt, wife, ex-girlfriend, sister-in-law and two unidentified people, would testify that

defendant was not violent or dangerous (Dkt. 264-1 at 50-52) is insufficient to rebut the presumption of danger to the community, particularly in light of the clear evidence of defendant's dangerousness.

Finally, the court is also concerned with the defendant's misrepresentation to Pretrial Services that he only left the United States once for Cancun more than two years before the hearing, when he actually left the United States and returned in January, 2017. Compare Dkt. 190, p. 2 with Dkt. 264-1, p. 58.

The court finds that there are no conditions of release which can assure the safety of the community, therefore defendant's motion is DENIED and defendant is ordered detained.

Signed at Houston, Texas on February 28, 2018.



Gray H. Miller
United States District Judge